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**MAILED**

DEC 07 2010

**OFFICE OF PETITIONS**

In re Application of  
Kitchen et al.  
Application No.: 09/892,627  
Filed: June 28, 2001  
Docket No.: 23952-0037

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:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed under 37 CFR 1.47(a) on September 20, 2010.

The request is GRANTED.

Where status under 37 CFR 1.47 is granted in a first application and the non-signing inventor does not later join in the filing by executing an oath or declaration for the application, and another application (a child application) is later filed claiming the benefit of the filing date of the first application and using the declaration of the prior application, status under 37 CFR 1.47 continues to exist in the child application. Prior Application No 09/034,561, of which the instant application is a continuation, was accorded 37 CFR 1.47 status.

37 CFR 1.63(d) (3) states:

Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

- (i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c).

A copy of the decision granting 37 CFR 1.47(a) status to the above-noted, prior-filed application appears in the record of the instant application.

The above-identified application and papers are in compliance with 37 CFR 1.47(a). This application is hereby accorded rule 1.47(a) status. As provided in 37 CFR 1.47(c), no notice of this application's filing will be forwarded to the nonsigning inventor nor will such notice be published in the Official Gazette since notice regarding the filing of the prior application was given to the nonsigning inventors.

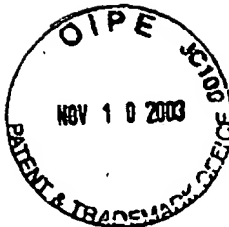
This application is being forwarded to the Office of Data Management for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read 'Charlema Grant', with a stylized flourish at the end.

Charlema Grant  
Petitions Attorney  
Office of Petitions

Enclosure: copy of the petition decision granting 37 CFR 1.47 status in parent application no. 09/034,561.



Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.USPTO.gov

Paper No. 20

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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
Bill Kitchen, et al.  
Application No. 09/034,561  
Filed March 3, 1998  
Attorney Docket No. 33500-00005

This is a decision on the Petition under 37 CFR 1.47(a), filed November 30, 1998.

The petition is granted.


Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Publications.

Telephone inquiries regarding this decision should be directed to Marianne Morgan at (703) 306-3475.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

